IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 246 of 1999

Between:
Kuppa China Demudu S/o Appanna

....PETITIONER

AND

1. The District Collector, Visakhapatnam
2. The Specialf Dy.Collector, Land Acquisitionn, NTPC Unit No.II, Visakhapatnam.
3. Polarapfu Gurumurthy,Alias Burada Gurumurthy
4. Polarapu Varalaxmi W/o Burada Gurumurthy.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus to declare the action of the first and second respondents in not releasing the compensation in lie of acquisition of land of Ac.1.28 cents covered by Sy.No.384/6, Ac.0.40 cents covered by Sy.No.384/15, and Ac.0.40 cents covered by Sy.No.384/14 of Vadacheepurupalli village (west), Parvada Mandal, Visakhapatnam District to the petitioner as illegal and consequently to pass appropriate orders.

For the Petitioner: MR.K.ANANDA RAO

For Respondent No.1 and 2: G.P for Land Acquisition

For Respondent Nos.3 and 4: K.S.R.Mfurthy

The Court Made the Following :

ORAL ORDER

This writ petition is filed seeking writ of Mandamus to declare the action of the District Collector, Visakhapatnam and Special Deputy Collector, Land Acquisition, NTPC Unit No.II, Visakhapatnam-first and second respondents in not paying the compensation for the acquired land of Ac.1.28 cents covered by Sy.No.384/6, Ac.0.40 cents covered by Sy.No.384/15, and Ac.0.40 cents covered by Sy.No.384/14 of Vadacheepurupalli village (west), Parvada Mandal, Visakhapatnam District to the petitioner as illegal.

It is the case of petitioner that though he is rightful owner to claim compensation for the acquired land, in spite of his notice to the respondents-authorities, he was not paid compensation. On the ground that the compensation was not paid to him, he approached this Court. At the stage of admission this Court has passed interim orders initially on 12-01-1999, subsequently on 26-02-1999 directing the respondents not to pay the compensation, pending further orders.

Counter-affidavit is filed on behalf of the respondents stating that the above said lands are part of acquisition for construction of Simhadri Thermal Power Station by N.T.P.C. It is stated in the counter-affidavit that pursuant to notice under Section 9(3) and 10 of the land Acquisition Act,1894, award inquiry was conducted and the petitioner also participated in the award inquiry and he has not established his claim for

payment of compensation. It is further stated that the compensation was paid to the rightful claimant on 30-12-1998 after passing of the award on 26-12-1998.

It is to be seen that the writ petition itself was filed on 11-01-1999 by which time, the land acquisition officer had already passed award, awarding compensation to the third parties on 26-12-1998 and the compensation was also paid on 30-12-1998. If the petitioner's claim is negatived, It is for the petitioner to take appropriate steps as provided under the Land Acquisition Act,1894 or by recourse to common law remedies. Inasmuch as the award was already passed and compensation was paid prior to filing of this writ petition, no direction can be issued at this stage as prayed for.

The writ petition is devoid of merits and is accordingly dismissed. No costs. However, it is open for the petitioner to take appropriate steps in accordance with law.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

TO

1.The District Collector, Visakhapatnam

2. The Special Dy.Collector, Land Acquisitionn, NTPC Unit No.II, Visakhapatnam.
3. Polarapu Gurumurthy,Alias Burada Gurumurthy
4. Polarapu Varalaxmi W/o Burada Gurumurthy.
5. 2 CD COPIES.

*TSNR